

CITY OF EVANS, COLORADO

ORDINANCE NO. 808-23

AN ORDINANCE AMENDING SECTION 16.04.070 OF THE EVANS MUNICIPAL CODE TO ESTABLISH THE SPECIAL FLOOD HAZARD AREA

WHEREAS, the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans Home Rule Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

WHEREAS, the Evans City Council has adopted Chapter Section 16.04.070 of the Evans Municipal Code to establish the special flood hazard area which incorporates by reference FEMA floodway maps and revisions; and

WHEREAS, the Evans City Council has determined that amending Section 16.04.070 of the Evans Municipal Code will advance the interest of the public health, safety, and welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO:

Section 1. For this ordinance, underlined text is added, and strikethrough text is deleted. Section 16.04.070 of the Evans Municipal Code is hereby amended as follows:

16.04.070 Basis for establishing the special flood hazard area.

- A. ~~The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study (FIS) for the City of Evans, Colorado," dated January 20, 2016, with accompanying flood insurance rate maps and/or flood boundary as adopted by ordinance.~~ Special flood hazard areas (SFHA) are those areas delineated on the most current Flood Insurance Rate Map (FIRM) and detailed in the most currently published Flood Insurance Study (FIS) adopted by the Federal Emergency Management Agency (FEMA) and any revisions to that FIRM adopted by FEMA or best available data.
- B. FEMA's final floodway maps (FIRM and/or FBFM), the FIS, and any final revisions thereto are hereby adopted by reference and declared to be a part of this Chapter. These special flood hazard areas identified by the FIS and attendant mapping are the minimum area of applicability of this Chapter and may be supplemented by additional studies designated and approved by resolution of the City Council. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

16.04.220 Floodways.

A. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway, unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado professional engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a no-rise certification) in flood levels within the community during the occurrence of the base flood discharge. The following encroachments are prohibited in the regulatory floodway regardless of change to base flood elevations or lack thereof.

1. Outdoor storage.
2. Unattended or long-term vehicle parking.

Section 2. Publication and Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published, and posted as required by the City Charter and the adoption, posting, and publication shall be authenticated by the signature of the Mayor and City Clerk, and by the Certificate of Publication. This Ordinance shall become effective upon final passage.

Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

**INTRODUCED AND PASSED AT A REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF EVANS ON THIS 7th DAY OF NOVEMBER 2023.**

ATTEST:

CITY OF EVANS, COLORADO


Julie Barnett, City Clerk



By:


Mark C. Clark, Mayor

**PASSED AND ADOPTED ON A SECOND READING THIS 5th DAY OF DECEMBER
2023.**

ATTEST:

CITY OF EVANS, COLORADO

Julie Barnett
Julie Barnett, City Clerk



By: Mark C. Clark

Mark C. Clark, Mayor